

AMENDED IN SENATE MAY 9, 2016

AMENDED IN ASSEMBLY JUNE 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 470

**Introduced by Assembly Member Chu
(Coauthor: Assembly Member Waldron)**

February 23, 2015

~~An act to add Section 15661 to the Welfare and Institutions Code, relating to social services. An act to amend Section 115922 of the Health and Safety Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 470, as amended, Chu. ~~In-home supportive services: fingerprinting. Public health: drownings.~~

The Swimming Pool Safety Act requires when a building permit is issued for construction of a new swimming pool or spa, or the remodeling of an existing pool or spa, at a private, single-family home, that the pool or spa be equipped with at least 1 of 7 drowning prevention safety features. The act requires the local building code official to inspect and approve the drowning safety prevention devices before the issuance of a final approval for the completion of permitted construction or remodeling work.

This bill would instead require, when a building permit is issued or the home is sold, that the pool or spa be equipped with at least 2 of the 7 drowning prevention safety features. By imposing additional duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law requires the Department of Justice to conduct background checks, as requested, by employers of in-home supportive services and other providers.~~

~~This bill would require the Department of Justice, by October 1, 2016, and in collaboration with the department, to develop protocols to expedite the processing of provider criminal record checks for the In-Home Supportive Services program, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Pool Safety Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) According to both the federal Centers for Disease Control
- 5 and Prevention's National Center for Injury Prevention and
- 6 Control and the State Department of Public Health's EPICenter
- 7 data, residential pool drowning is the leading cause of death for
- 8 California children between 1 to 4 years of age, inclusive.
- 9 (b) Additional children suffer near-drowning incidents and
- 10 survive, but many of those children suffer irreversible brain
- 11 injuries, which can lead to lifelong learning deficiencies that
- 12 impact not only the affected child and his or her family, but also
- 13 the resources and moneys available to California's healthcare
- 14 system, regional centers, and special education school programs.
- 15 (c) Barriers, such as those required pursuant to Section 115922
- 16 of the Health and Safety Code, prevent young children from gaining

1 *unsupervised access to pools and are proven to save lives, and*
2 *those barriers that utilize isolation fencing are among the most*
3 *effective.*

4 *(d) All water sports activities come with risk. Knowing the risks*
5 *and having drowning prevention strategies in place before and*
6 *during water sports activities reduce drowning incidents, and the*
7 *installation of a residential pool barrier is a critical, necessary,*
8 *and leading strategy to further California's goal of dramatically*
9 *reducing unintentional injury and ensuring that drowning is no*
10 *longer the leading cause of death and hospitalizations for children.*

11 *SEC. 3. Section 115922 of the Health and Safety Code is*
12 *amended to read:*

13 ~~115922. (a) Commencing January 1, 2007, except~~ *Except as*
14 ~~provided in Section 115925, whenever~~ *when a building permit is*
15 ~~issued for the construction of a new swimming pool or spa, spa or~~
16 ~~any building permit is issued for the remodeling of an existing~~
17 ~~swimming pool or spa, at a private, private single-family home,~~
18 ~~or when a private single-family home with an existing swimming~~
19 ~~pool or spa is sold, it shall be equipped with at least one the~~
20 ~~swimming pool or spa shall be equipped with at least two of the~~
21 ~~following seven drowning prevention safety features:~~

22 ~~(1) The pool shall be isolated from access to a home by an An~~
23 ~~enclosure that meets the requirements of Section 115923. 115923~~
24 ~~and isolates the swimming pool or spa from the private~~
25 ~~single-family home.~~

26 ~~(2) The pool shall incorporate removable~~ *Removable mesh pool*
27 ~~fencing that meets American Society for Testing and Materials~~
28 ~~(ASTM) Specifications F 2286 standards in conjunction with a~~
29 ~~gate that is self-closing and self-latching and can accommodate a~~
30 ~~key lockable device.~~

31 ~~(3) The pool shall be equipped with an An approved safety pool~~
32 ~~cover that meets all requirements of the ASTM Specifications F~~
33 ~~1346, cover, as defined in subdivision (d) of Section 115921.~~

34 ~~(4) The residence shall be equipped with exit~~ *Exit alarms on*
35 ~~those the private single-family home's doors providing that provide~~
36 ~~direct access to the pool. swimming pool or spa. The exit alarm~~
37 ~~may cause either an alarm noise or a verbal warning, such as a~~
38 ~~repeating notification that "the door to the pool is open."~~

39 ~~(5) All doors providing direct access from the home to the~~
40 ~~swimming pool shall be equipped with a A self-closing,~~

1 self-latching device with a release mechanism placed no lower
2 than 54 inches above the ~~floor.~~ *floor on the private single-family*
3 *home's doors providing direct access to the swimming pool or*
4 *spa.*

5 (6) ~~Swimming pool alarms~~ *An alarm that, when placed in pools,*
6 *a swimming pool or spa, will sound upon detection of accidental*
7 *or unauthorized entrance into the water. These pool alarms* *The*
8 *alarm shall meet and be independently certified to the ASTM*
9 *Standard F 2208 "Standards Specification for Pool Alarms"*
10 *Alarms," which includes surface motion, pressure, sonar, laser,*
11 *and infrared type alarms. For purposes of this article, "swimming*
12 *pool alarms" shall not include* *A swimming protection alarm*
13 *devices feature designed for individual use, such as including an*
14 *alarm attached to a child that sounds when the child exceeds a*
15 *certain distance or becomes submerged in water. water, is not a*
16 *qualifying drowning prevention safety feature.*

17 (7) Other means of protection, if the degree of protection
18 afforded is equal to or greater than that afforded by any of the
19 ~~devices features~~ *set forth above, above and have has been*
20 *independently verified by an approved testing laboratory as meeting*
21 *standards for those devices features established by the ASTM or*
22 *the American Society of Mechanical Engineers (ASME).*

23 (b) ~~Prior to~~ *Before* the issuance of ~~any~~ *a* final approval for the
24 completion of permitted construction or remodeling work, the local
25 building code official shall inspect the drowning safety prevention
26 ~~devices features~~ *required by this act and and, if no violations are*
27 *found, shall give final approval.*

28 (c) (1) *Before an individual may sell a private single-family*
29 *home with an existing swimming pool or spa, the local building*
30 *code official shall inspect the drowning prevention features*
31 *required by this act and, if no violations are found, shall certify*
32 *that the private single-family home is in compliance with this*
33 *section.*

34 (2) *No transfer of title shall be invalidated on the basis of a*
35 *failure to comply with this section, and the exclusive remedy for*
36 *the failure to comply with this section is an award of actual*
37 *damages not to exceed five hundred dollars (\$500), exclusive of*
38 *any court costs and attorney's fees. This subdivision is not intended*
39 *to affect any duties, rights, or remedies otherwise available at law.*

1 *SEC. 4. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. Section 15661 is added to the Welfare and~~
7 ~~Institutions Code, to read:~~

8 ~~15661. By October 1, 2016, the Department of Justice, in~~
9 ~~collaboration with the department, shall develop protocols to~~
10 ~~expedite the processing of provider criminal record checks for the~~
11 ~~In-Home Supportive Services program. This activity may be funded~~
12 ~~through moneys appropriated by the Legislature to the Department~~
13 ~~of Justice for the purpose of conducting criminal record check~~
14 ~~activities pursuant to Section 15660.~~